

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                           |   |                                |
|---------------------------|---|--------------------------------|
| JESSE MEANS,              | ) |                                |
|                           | ) |                                |
| Plaintiff,                | ) | CIVIL ACTION NO. 05-107E       |
|                           | ) |                                |
| v.                        | ) | Hon. Sean J. McLaughlin        |
|                           | ) | United States District Judge   |
| UNITED STATES OF AMERICA, | ) |                                |
| et al.,                   | ) | Hon. Susan Paradise Baxter     |
|                           | ) | United States Magistrate Judge |
| Defendants.               | ) |                                |
|                           | ) | ELECTRONICALLY FILED           |

SECOND MOTION FOR ENLARGEMENT OF TIME TO FILE  
ANSWER AND/OR RESPONSIVE PLEADING

AND NOW, come Federal Defendants, the U.S. Attorney General, et al., through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order enlarging the time within which Defendants may answer, move and/or otherwise plead to Plaintiff's Complaint. This is the second motion for an enlargement of time, and it is requested that the Defendants be afforded an additional 30 days to respond. In further support of this Motion, Defendants aver as follows:

1. Plaintiff, a federal prisoner, filed a Complaint pursuant to the Federal Tort Claims Act, alleging that he sustained injuries due to a leaky roof at the prison that caused him to slip and fall. Moreover, Plaintiff has alleged that prison medical staff have been indifferent to his medical needs.

2. Plaintiff has named the United States, Warden James Sherman, Clinic Director Dr. Olsen, and John Doe as Defendants in this case.

3. On February 9, 2006, Defendants requested a 60-day extension in order to secure appropriate authorization to represent the individual Federal Defendants named in this lawsuit. On February 9, 2006, this Court granted Defendants' extension request and ordered that a responsive pleading be filed no later than April 10, 2006.

4. Authorization to represent the individual Federal Defendants was just granted last week. Accordingly, additional time is needed to collect relevant documentation, statements, and/or other information from the Agency and prison officials in order to file an appropriate response.

5. The grant of additional time to file an Answer or responsive pleading will in no way prejudice Plaintiff, who is proceeding in this case pro se.

WHEREFORE, Federal Defendants respectfully request that the Court issue a second Order enlarging the time in which to file an Answer, move, and/or otherwise plead to Plaintiff's Complaint by 30 days from the current due date or until May 10, 2006.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/Paul D. Kovac  
PAUL D. KOVAC  
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Western District of Pennsylvania  
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Dated: March 28, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing SECOND MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER AND/OR RESPONSIVE PLEADING was electronically filed and/or mailed, postage-prepaid, this 28th day of March, 2006, to the following:

Jesse Means, Plaintiff pro se  
Reg. No. 38021-060  
FCI McKean  
Post Office Box 8000  
Bradford, PA 16701

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney